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In re Application of
Timothy Hewitt, et. al.
Application No. 10/657,289
Filed: September 8, 2003
Attorney Docket No. 60340-043

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on May 14, 2007, to revive the above-identified application.

The above application became abandoned for failure to file a response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed December 6, 2005, which reset the time period for filing an appeal brief to one month from the mailing of the Notice or the balance of the two month time period running from the receipt of the notice of appeal filed on October 14, 2005, whichever was greater. As no response was received, the application was held abandoned after midnight on January 6, 2006.

Petitioner's request to withdraw the Notice of Appeal filed October 14, 2005 is acknowledged.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the \$790 filing fee; (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed on May 14, 2007.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application file is being referred to Technology Center Art Unit 3724, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "A. Smith", written over the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Harold W. Milton, Jr.
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